

COMBINED DECLARATION AND POWER OF ATTORNEY

**COPY**

FOR UTILITY PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our name; that we verily believe that we are the original, first and joint inventors of the invention entitled:

**TAXONOMIC IDENTIFICATION OF PATHOGENIC MICROORGANISMS**

**AND THEIR TOXIC PROTEINS**

for which a patent is sought and which is described and claimed in the attached specification of application; that we have reviewed and understand the contents of the attached specification, including the claims; that we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations; that we do not know and do not believe the same was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application, that we acknowledge our duty to disclose information of which we are aware which is material to the examination of this application, and that no application for patent or inventor's certificate on

this invention has been filed in any country foreign to the United States of America prior to this application by us or our legal representatives or assigns.

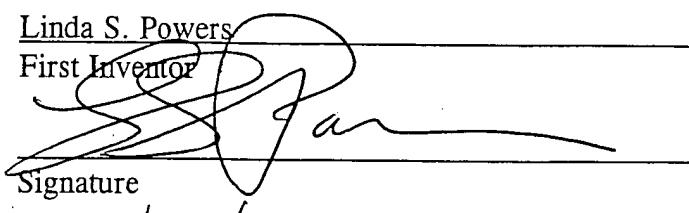
As below named inventors, we hereby declare that we qualify as independent inventors as defined in 37 C.F.R. 1.9(c) for the purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

We hereby appoint as our attorney K. S. Cornaby, Registration No. 24,721, JONES, WALDO, HOLBROOK & McDONOUGH, 170 South Main Street, Suite 1500, Salt Lake City, Utah 84101-1644, Telephone (801) 521-3200, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to **K. S. CORNABY** at the above address.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Linda S. Powers  
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Signature  
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Walther R. Ellis, Jr.  
Second Inventor  
Walther Ellis Jr.  
Signature

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Date

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Christopher R. Lloyd  
Third Inventor  
  
Signature

10/31/2001

Date



JANUARY 30, 2002

PTAS

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SALT LAKE CITY, UT 84101

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\*101911709A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/01/2001

REEL/FRAME: 012346/0726  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
POWERS, LINDA S.

DOC DATE: 10/31/2001

ASSIGNEE:  
ELLIS, JR., WALTHER R.

DOC DATE: 10/31/2001

ASSIGNEE:  
LLOYD, CHRISTOPHER R.

DOC DATE: 10/31/2001

ASSIGNEE:  
MICROBIOSYSTEMS, LIMITED  
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CHEYENNE, WYOMING 82001

SERIAL NUMBER: 09999159  
PATENT NUMBER:

FILING DATE: 11/01/2001  
ISSUE DATE:



012346/0726 PAGE 2

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

12-11-2001



101911709

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Linda S. Powers  
Walther R. Ellis, Jr.  
Christopher R. Lloyd

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: October 31, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: October 31, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?  Yes  No

69/999159

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: K. S. Cornaby, Esq.

Internal Address: \_\_\_\_\_

Jones, Waldo, Holbrook & McDonough

Street Address: 170 South Main Street,  
Suite 1500

Salt Lake  
City: City State: UT Zip: 84101

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

K. S. Cornaby

Name of Person Signing

Signature

11-1-01

Date

Total number of pages including cover sheet, attachments, and documents: 3

ASSIGNMENT

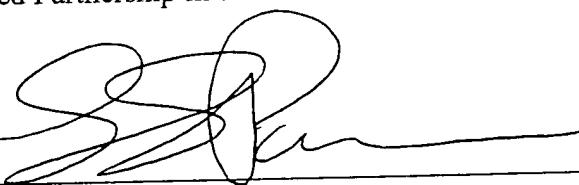
WHEREAS, Linda S. Powers, Walther R. Ellis, Jr. and Christopher R. Lloyd, residents of Cache County, State of Utah, are inventors of a certain new and useful improvement in TAXONOMIC IDENTIFICATION OF PATHOGENIC MICROORGANISMS AND THEIR TOXIC PROTEINS described and claimed in a United States Patent Application, executed on this date and filed concurrently herewith; and

WHEREAS, MicroBioSystems, Limited Partnership, a limited partnership of the State of Wyoming, with principal offices at c/o C. T. Corp. Systems, 1720 Carey Ave., Cheyenne, WY 82001 are desirous of acquiring all right, title and interest in and to said invention and Letters Patent;

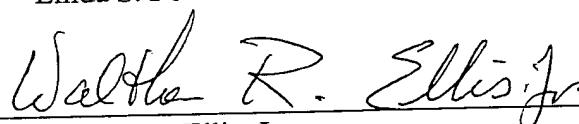
NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Linda S. Powers, Walther R. Ellis, Jr., and Christopher R. Lloyd, by these presents do sell, assign, and transfer unto said MicroBioSystems Limited Partnership the entire right, title and interest in and to the said invention for the United States of America, its territories and possessions, and for all foreign countries, and in and to the said application for Letters Patent, including any divisional, continuation, continuation-in-part, substitute, foreign, or reissue applications which may result from or replace said application for Letters Patent; and in and to any Letters Patent issuing on said application or applications; and in and to any extension of said Letters Patent; said interest in said invention and said Letters Patent and any extensions thereof as set forth above, including would have been held by Linda S. Powers, Walther R. Ellis, Jr. and Christopher R. Lloyd had this assignment and sale not been made.

Linda S. Powers, Walther R. Ellis, Jr. and Christopher R. Lloyd covenant and agree that, at the request of said MicroBioSystems Limited Partnership, its officers, legal representatives, successors or assigns, they will do all lawful and just acts, including the execution and acknowledgment of instruments which may be, or may become, necessary for obtaining, sustaining, or reissuing any and all Letters Patent for the said invention and for maintaining and perfecting the said interest of MicroBioSystems Limited Partnership in said invention and Letters Patent. the right to sue for past infringements thereof, to be held and enjoyed by said MicroBioSystems Limited Partnership for its own use and benefit and for its legal representatives, successors, or assigns, to the full end of the term or terms for which said Letters Patents and extensions thereof may be granted, as fully and entirely as the same interest of MicroBioSystems, Limited Partnership in said invention and Letters Patent.

10/31/01  
Date

  
Linda S. Powers

10-31-01  
Date

  
Walther R. Ellis, Jr.

10/31/2001  
Date

  
Christopher R. Lloyd

STATE OF UTAH )

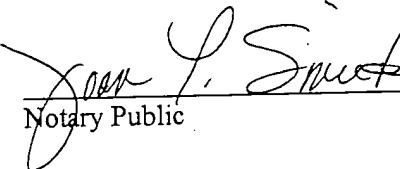
)

COUNTY OF CACHE )

: ss.



On the 31<sup>st</sup> day of October, 2001, personally appeared before me Linda S. Powers, Walther R. Ellis, Jr. and Christopher R. Lloyd to me known, who in my presence did execute the above instrument.

  
Notary Public